

## REMARKS

Claims 1, 3-8, 10-13, and 15-17 remain in this application. Claims 2, 9, and 14 were previously canceled, and new claims 18-23 are added. Reconsideration of the application is requested.

Independent claim 1 is again rejected under 35 U.S.C. § 102(b), along with various dependent claims, as anticipated by Japanese publication 3-284443 to Nishitake. Reconsideration is requested.

Claim 1 as amended above more particularly defines the structure by which the covering and door interior element of the invention are mounted together. While the comments provided by the Examiner in section 5 on page 4 of the Office Action are noted, there is nothing in either the English language abstract of, or the illustrations provided by, the Nishitake publication to suggest that the case 11 includes a downward projecting shoulder at its upper edge that reaches behind a part of the inner panel 6 to suspend the case from that panel as claim 1 above requires.

According to the invention, the side impact protection device, which is incorporated into a side wall of a motor vehicle, such as a motor vehicle door, has both a pressure gas source and an inflatable gas bag configured such that the folded, elongated gas bag is arranged, in its non-operating state, along the upper edge of the side wall directly behind an interior lining. When deployed, the air bag exits upward through a slot formed between the upper edge of the lining and the side wall in the region of the waistline of the side wall, and extends upward along an internal side of a side window pane as impact protection for the head region of a motor vehicle occupant.

Several features of the invention should be noted. As best seen in Figures 1 and 4, the internal covering 11 is mounted on the side wall 3 at a distance from longitudinal ends 29, 29' of the gas bag 6 and approximately at the height of a lower edge region 30 of the gas bag 6. Also, as best seen in Figures 1 and 3, viewed laterally, an ideal connection line 31 through the two spaced fastenings or mounts 32, 33 for the lining forms a pivot axis B for the pivotable upper region 28 of the lining 11 when the gas bag is deployed. Finally, a defined weakened 35 is provided on the front end 34 of the lining 11 approximately at the height of the pivotable upper region 28. These features are also reflected in currently amended claim 1 and are not present in the Nishitake structure.

The Nishitake structure is a side impact protection device for a motor vehicle occupant that is integrated in a motor vehicle door including a prefabricated air bag module. That air bag module has a case 11, an air bag 12, an inflator 13, and a covering member 14, and is installed in a indentation or impression in the door inner panel 6. The indentation or impression is arranged adjacent to the belt line of the motor vehicle, and forms an undesirable predetermined breaking point due to the reduction in cross section provided therein.

The inner panel 6, with the built-in air bag module, is covered in the direction toward the passenger compartment by a multipart trim 9. In the Nishitake structure, as is shown in Figure 5, an upper, open part 9a of the trim is connected to the lining via an internal hinge 16. When the air bag is inflated, this part 9a pivots inwardly. The part 9a forms a rectangular flap provided only in the region of the longitudinal extension of the indentation or impression of the

installed air bag module on the multipart lining, which is connected by the internal hinge 16 to the adjoining section of the trim 9. The trim 9 according to Nishitake is nonetheless not connected directly to the inner door panel or the front end of the motor vehicle door at the points 32, 33, as in the present invention, and the Nishitake structure lacks an ideal connection line through the two mounting points that forms a pivot axis for a pivotable upper edge region of the lining. The Nishitake structure also lacks a defined weakened area at the height of the pivotable upper edge region on the front end of the lining.

U.S. Patent 6,682,093 to Tajima et al., relied on once again as a secondary reference to reject dependent claims, does not disclose a lateral impact protective device for a motor vehicle occupant; the Tajima et al. patent, instead, concerns, an impact protection device for a motor vehicle occupant arranged on a passenger side. A prefabricated air bag module is installed in a recess arranged on the upper side of an instrument panel, and is covered in upward direction. The Tajima et al. cover has a predetermined breaking point extending centrally, in transverse direction of the motor vehicle, so that two cover halves are pivoted toward different sides when the gas bag is deployed. The gas bag is moved upward, into its operational position, toward the windshield. The features discussed above, to which language presently in claim 1 is directed, are completely absent from the Tajima et al. patent disclosure.

It is respectfully submitted that claim 1 above is patentable for reasons discussed. Claims 3-8, 10-13, and 15-17, which depend on claim 1, are considered patentable as well.

New independent claim 18 is added to define the invention in terms that

differ somewhat from those of claim 1. It is respectfully submitted that the Nishitake case 11, identified as a "covering" by the Examiner, does not constitute a covering having a decorative layer and a front face oriented as particularly defined by claim 18. Claim 18 above is considered patentable, as are new claims 19-23, which depend on claim 18. All claims now in this application, therefore, should now be patentable.

This application should now be in allowable condition. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #028987.52962US).

Respectfully submitted,

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